

COMMISSIONERS' MEETING

August 16, 2021

The Bartholomew County Commissioners met on August 16, 2021, in the Commissioners Chambers of the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Larry S. Kleinhenz, Carl H. Lienhoop and Tony London were present. Auditor Pia O'Connor, Attorney Grant Tucker and County Administrator Tina Douglas were also present.

Commissioner Lienhoop gave the invocation and led the Pledge of Allegiance.

The first item was the Approval of minutes of August 9, 2021. **Commissioner London motioned to approve the minutes as presented. Commissioner Lienhoop seconded the motion which passed unanimously.**

The next item was the approval of Claim. **Commissioner Lienhoop motioned to approve the Claim as presented. Commissioner London seconded the motion which passed unanimously.**

The next item was the weekly permit reports as read by Commissioner Kleinhenz:

<i>Time frame</i>	<i>New permits</i>	<i>Fees</i>	<i>Value</i>
08/09/21 to 08/13/21	25	\$7,864.00	\$26,437,125

Cummins Office Tower Remodel – 98,500 Sq. Ft. at \$22,000,000 Commercial Addition – Remodel – Subdivision \$2,500,000

The next item was the County Highway Weekly Crew Report presented by Engineer Danny Hollander (via Zoom). The following work had been completed last week: ditched on 50 N, 500 W, 600 E, 150 W, 300 N & Youthcamp Road; replaced pipe on 200 N & 1000 E; ditched & driveway pipe on 225 W; picked up trees on 50 N; places stone on alleys in Newbern; mowed in Columbus, Sandcreek and Wayne Townships; finished chip-n-seal in Jackson, Ohio & Wayne Townships; Milestone paved 175 E, Carr Hill Road, 300 E, 250 E, 400 S, 400 N & 1125 E.

The next item was the Monthly Highway Report for July 2021 as presented by Engineer Hollander (via Zoom).

The next item was the Consideration of Change Orders for the new Bartholomew County Highway Garage as presented by David Doup (via Zoom) of Taylor Brothers as follows:

- **Force Construction, Co. (Increase)**

- **Change Order #BC03-CO07**

○ Cutting 11' hole through the outside wall for oil burner	\$ 780.00
○ Original Contract Sum:	\$ 1,526,536.00
○ Net Change from Previous Changes:	\$ 169,215.22
○ <u>Total Increase from this Change Order:</u>	<u>\$ 780.00</u>
○ New Contract sum:	\$ 1,696,531.22

- **Gaylor Electric, Inc. (Increase)**

- **Change Order #BC05-CO04**

○ Provide Power to new location for oil burning furnace & unit heater	\$ 838.46
○ Add two receptacles to kitchen counter top by sink	\$ 1,580.01
○ Run Control Circuit wires for pump, run thermostat wire, Replace MC wires going to unit with Sealtite	\$ 773.81
○ Original Contract Sum:	\$ 832,700.00
○ Net Change from Previous Changes:	\$ 17,349.22
○ <u>Total Increase from this Change Order:</u>	<u>\$ 3,192.28</u>
○ New Contract sum:	\$ 853,241.50

- **Perry Acoustics, Inc. (Increase)**

- **Change Order #BC01D-CO01**

○ Raise Ceiling Height to 10'8" in rooms w/ext. windows	\$ 2,450.00
○ Original Contract Sum:	\$ 45,500.00
○ Net Change from Previous Changes:	\$ 0.00

○ <u>Total Increase from this Change Order:</u>	\$ 2,450.00
○ New Contract sum:	\$ 47,590.00

- **Milestone Contractors (Decrease)**

- **Change Order #BC02-CO07**

○ South ditch underdrain installation (add)	\$ 8,525.00
○ Parking lot paint in lieu of thermoplastic (credit)	\$ -2,100.00
○ Un-used portion of contract allowances (credit)	\$ -40,023.00
○ Original Contract Sum:	\$ 1,887,883.00
○ Net Change from Previous Changes:	\$ -121,722.00
○ <u>Total Decrease from this Change Order:</u>	\$ -33,598.00
○ New Contract sum:	\$ 1,732,563.00

Commissioner Lienhoop motioned to approve the four Change Orders as presented. Commissioner London seconded the motion which passed unanimously.

The next item was the Ratification of Expenditures for 7 Water Coolers to South Central in the amount of \$336.88. This is for the amount of increase over the existing approved amount of \$7,315.00 for a revised total of \$7,651.88. **Commissioner Kleinhenz motioned to Ratify the Expenditure of \$336.88. Commissioner London seconded the motion which passed unanimously.**

The next item was the Consideration on First Reading of an Ordinance to Regulate the Keeping of Animals and Providing Penalties for Violations Thereof. Commissioner London stated that when he was running for office, this is one of the issues that was brought to his attention multiple times. Attorney Grant Tucker stated that they needed to update the Ordinance as it had a Section regarding an Animal Control Commission which has not been in use for many years. People have also expressed concern over “puppy mills”. Another item that came up relatively recently was a request by the animal groups to be able to return feral cats to the area where they had been trapped once they have been spayed/neutered. They have also increased the fines for violations to put some more teeth into it. Animal Control Officer Mark Case (via Zoom) appreciates what they are trying to do. The changes are as follows:

- **Section I – Definitions**

- *(Added) Section (P) Breeder: any person, or other entity that breeds dogs, cats or other non-agricultural animals for purposes of sale of that offspring of said animal(s). In no event shall a Breeder operate with more than ten (10) unaltered female dogs, cats or other animals that are more than twelve (12) months old.*

- **Section II – Definitions**

- *(Removed) Animal Control Commission – The Commission has not been in use for over twenty-five (25) years, therefore needed removed. It is better that for all suggestions come directly to the Commissioners.*

- **Section III – Licensing**

- *Removed – No longer required.*

- **Section III – Animal Care – (C)**

- *(Added) – It shall be unlawful for any owner of any dog, cat or other animal to abandon the same within the County. However, nothing contained herein shall prohibit an animal shelter or any organization contracted with or sanctioned by Bartholomew County to provide humane animal care from returning any feral cat that has been trapped and spayed or neutered to the location from which said cat had previously been removed.*

- **Section III – Animal Care (H)**

- *(Added) – It shall be unlawful for a breeder or any other person or entity to keep more than ten (10) unaltered female dogs, cats or other non-agricultural animals that are more than twelve (12) months old, for purposes of breeding said dogs, cats or other non-agricultural animals for the purpose of selling the offspring.*

- **Section VII – Penalties**

- *(Added) – Increasing all fines for any violation to \$100 for “Animal Control” with the intent of helping owners be more responsible for their animals.*

- **Section X – Repeal of Conflicting Ordinances (A)**

- *Ordinance No. 76-16 as Adopted by the Board of Commissioners of Bartholomew County, Indiana, on November 20, 1978 is hereby Repealed and*

all other Ordinances of Bartholomew Count that are in conflict with this Ordinance are hereby Repealed to the extent of such conflict.

Mark Webber asked if this was due to the issue at hand with the Oberholtzer case in Hope. Commissioner Kleinhenz stated that it had brought it to light but was not the only reason for the changes. Commissioner London talked about the Trap, Neuter, Return (TNR) Program regarding feral cats. The meeting was opened for Public Hearing. Jorge R. Morales asked if the TNR applied to dogs or non-agricultural animals. Commissioner London stated it does not. It is only for cats. Commissioner Lienhoop stated that the TNR program is a nationally endorsed program. Samantha Morton, the Indiana State Director of the Humane Society, stated that in her role, she serves as an expert in the items that these changes deal with. She appreciates Bartholomew County taking these steps. Nancy Ray, and members of a 700+ animal rights advocate group in Bartholomew County, spoke next. This group circulated a petition against puppy mills and gathered over 3,000 signatures, most of which, but not all, are from Bartholomew County. The puppy mill in Hope has moved their trailer out of Bartholomew County, but continues to advertise on line for puppy's for sale. She then asked about an Animal Welfare Commission and why they had disbanded the Animal Control Commission. Attorney Tucker stated that the Commission that was in place did not function in a way that was effective and is why it just ceased to exist. The Commissioners are the ones that are responsible for the issues. He stated that this is an Animal Control Ordinance and not an Animal Welfare Ordinance. The State has statutes to deal with animal welfare. Commissioner Kleinhenz stated that there are groups that are organized to deal with this and they are probably better off without the government getting involved. Ms. Ray asked if in the future, do they feel that they have the Ordinances updated to where they want them or is someone going to monitor for future updates. Commissioner London stated it is something they will change as needed. He stated that when they make laws and Ordinances, they have extended consequences. They need to see, after a while, if this was the proper thing to do. Commissioner Lienhoop stated it is a document that Animal Control can use to do their jobs. If they see that there are holes in it, then they can bring it to the Commissioners for changes. Lou Anne Denning asked how this Ordinance compares with the City Ordinances. Also, would the limiting of 10 female dogs have been helpful in the case in Hope. Commissioner Kleinhenz stated that had this Ordinance been in place 2 years ago, it would have helped as there would have been a direct violation of the Ordinance. They have considered the "caged" animals but that gets into multiple

issues as even pets are “caged” at some points. They wanted to affect large scale breeding operations. Attorney Tucker stated it might very well have prevented the issue from arising in the first place. As to comparison to the City, he does not know exactly. The County is vastly different from the City due to a greater population in a smaller area. Ms. Denning stated she appreciated that it covers all non-agricultural animals. Commissioner Kleinhenz stated that they need to look at possibly tweaking it before the second reading as Great Pyrenees is a dog, but is an agricultural animal as well as it is a herding dog used on farms. Attorney Tucker stated they should not make it more difficult than it needs to be. Kenny Shuck stated that the 10 dog limit is lower than the national average, unfortunately dogs can be bred 2 times a year and at that rate, that is 1,000 dogs in 10 years. He believes we need to be proactive, not reactive. He is happy that they are working on this. He does not feel that there is a lot of “bite” in it, but it is better than what we had. He was a breeder but now has a shelter for dogs. He stated that under the Department of Agriculture, you have to have 21 dogs to be considered a breeder. He again stated that 10 dogs could result in 1,000 in 10 years’ time. Commissioner London stated that he did quite a bit of research on this. Many Counties have no Ordinance, some have a maximum of 40 dogs and some have a maximum of 20 dogs. They came up with 10 to strike a balance between a large operation and someone who wants to start a business for the betterment of the breed. They felt the number 10 was pretty strict in comparison to other municipalities. Commissioner Lienhoop stated they were debating that number as late as last week. Ms. Ray asked a question for a group member. The question was whether there was anything in the Ordinance that affected repeat provisions. Attorney Tucker stated that they have the fines. Commissioner London asked what happens when a fine is not paid. Attorney Tucker stated there is a warning, then a fine. They have 5 days to pay the fine. If it is not paid in that time, then they are submitted to him (County Attorney Tucker). He files an Ordinance Violation in Court. He does not feel there is a large issue with this. Commissioner London stated it is more to help educate people. Commissioner Lienhoop stated that the Ordinance states that each day is considered a violation which can be fined. Ms. Ellen Macy thanked the Commissioners for working on this emotional and difficult situation. She believes this will be somewhat self-policing. She appreciates them working on this. She also does not believe the TNR needs to be addressed as we do not have a feral dog issue but there is certainly an issue with feral cats. Ms. Kathy Armstrong wanted to thank the Commissioners for their understanding and compassion. This is a start to prevent puppy mills in this County. She appreciates their work on this. Ms. Ray asked if the County has talked about not being able to sell animals in pet stores outside the City limits. Commissioner London stated that

they did talk about it, but it is not currently a situation in the County so they have not taken any hard direction regarding it. Hearing no other comments, the Public Hearing portion of the meeting was closed. Commissioner Kleinhenz stated that he supports the Ordinance but he does not support the TNR portion as he finds feral cats to be an issue but how do we distinguish between them and chipmunks or other animals. Feral cats kill an average of 3 animals a day. The Ordinance endorses that by releasing the cats back into the area. They are non-indigenous species to the State. Commissioner Kleinhenz thanked the public and County Administrator Tina Douglas. The second reading will be August 30, 2021. Commissioner Lienhoop stated that the listening audience is very passionate over this issue. He appreciates their civil behavior in discussing this issue. **Commissioner Lienhoop motioned to Approve on 1st Reading the Changes to the Animal Control Ordinance as presented. Commissioner London seconded the motion which passed unanimously.**

The next item was a Proposal from the Maintenance Department to Purchase 2 New Garage Doors as presented by Maintenance Director Rick Trimpe as follows:

- ***Sterling Garage Doors, Inc. (Columbus, IN)***
 - *2 garage doors & openers – installed* ***\$4,296.00***

- ***Overhead Door of South Central Indiana (Columbus, IN)***
 - *2 garage doors & openers – installed* ***\$4,750.00***

Commissioner Lienhoop motioned to Award the 2 Garage Doors to Sterling Garage Doors, Inc. in the amount of \$4,296.00. Commissioner London stated he was excited that there will be a drive through option for clinics. Ms. Ray stated that she thinks this is a good idea. The vote was called for and passed unanimously.

The next scheduled Commissioners Meeting will be **Monday, August 23, 2021 at 10:00 a.m.**

There being no other business, the meeting was adjourned at 11:09 a.m.

BARTHOLOMEW COUNTY
COMMISSIONERS

LARRY S. KLEINHENZ, CHAIRMAN

CARL H. LIENHOOP, MEMBER

TONY LONDON, MEMBER

ATTEST:

PIA O'CONNOR